

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ELLEN C. THOMPSON,

Plaintiff,

Case No. 3:21-cv-331

vs.

LIFE INSURANCE COMPANY
OF NORTH AMERICA,

Defendant.

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

**SCHEDULING ORDER AND ORDER: (1) AUTHORIZING THE PARTIES TO FILE
THE ADMINISTRATIVE RECORD UNDER SEAL; AND (2) RESCINDING THE
REFERENCE TO THE UNITED STATES MAGISTRATE JUDGE**

This ERISA case came before the Court for a preliminary pretrial conference on March 16, 2022. Attorneys for both parties participated. The Court has reviewed the Rule 26(f) report submitted by the parties (Doc. No. 7) and adopts all deadlines set forth therein. As discussed at the conference, because this is an ERISA case, the parties—in their Rule 26(f) report—agree that discovery is unnecessary, and they will submit cross motions for summary judgment on the administrative record, which shall be filed as set forth below:

- The parties **SHALL FILE** an administrative record with the Court, under seal, by **June 15, 2022**. This order authorizes the filing of that document under seal.
- Having considered the administrative record in light of *Shane Group, Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299 (6th Cir. 2016), and noting the administrative record contains personal and confidential information, the Court concludes that sealing the administrative record is warranted because it contains sensitive medical information

and other confidential matters, and **ORDERS** counsel to file the administrative record **UNDER SEAL**.

- The parties **SHALL FILE** cross motions for summary judgment by **June 30, 2022**.
These motions will not be filed under seal absent further court order.
- The order of reference of this case to Magistrate Judge Peter B. Silvain, Jr. is hereby **RESCINDED**.

If the parties would like a referral for mediation by the Court, counsel may email the chambers of the undersigned (newman_chambers@ohsd.uscourts.gov). If the parties settle this case on their own, they shall inform the Court as soon as possible.

IT IS SO ORDERED.

March 17, 2022

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge